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E-FILED 11/6/07

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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 vs.

13 NED ROSCOE and
14 JOHN ROSCOE,

15 Defendants.

No. CR-07-00373 RMW

)
)
) STIPULATION AND ~~PROPOSED~~ ~~XXXXXXXXXX~~
) ORDER CONTINUING HEARING
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17 **STIPULATION**

18 The parties, by and through their respective counsel, hereby stipulate and agree that the
19 status hearing currently set for Monday, October 22, 2007 may be continued to Monday,
20 December 10, 2007 at 9:00 a.m. The reason for the requested continuance is to permit the
21 defense to obtain crucial discovery from the government. The indictment charges that both
22 defendants committed and conspired to commit bank fraud in violation of Title 18, United States
23 Code Section 1344(2), based upon alleged misstatements in reports of inventory. The defense
24 has to date received only two of the five reports of inventory that constitute the corpus of Counts
25 2 through 6. The parties have met and conferred as to the defense discovery requests and await
26 further information from the FBI. In addition, scheduling conflicts for counsel for the

1 government and defense necessitate prevent setting a hearing date sooner than December 10,
2 2007.

3 The parties further stipulate and agree that 49 days may be excluded from the time within
4 which trial shall commence, as reasonable time necessary to effective preparation, taking into
5 account the exercise of due diligence, pursuant to Title 18, United States Code Section
6 3161(h)(8)(A) and (h)(8)(B)(iv).

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8 Dated: October 18, 2007

9 s/_____
10 CYNTHIA C. LIE
11 Assistant Federal Public Defender
12 Counsel for Ned Roscoe

13
14 Dated: October 18, 2007

15 s/_____
16 Peter A. Leeming, Esq.
17 Counsel for John Roscoe

18
19 Dated: October 19, 2007

20 s/_____
21 CARLOS SINGH
22 Assistant United States Attorney
23 Counsel for the United States
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~~XXXXXX~~
[PROPOSED] ORDER

Good cause appearing and by stipulation of the parties, it is hereby ordered that the status hearing of Monday, October 22, 2007 shall be continued to Monday, December 10, 2007 at 9:00 a.m., and that the defendants are excused from personally appearing on that date.

It is further ordered that 49 days shall be excluded from the time within which trial shall commence under the Speedy Trial Act, as the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, as well as for continuity of counsel, pursuant to Title 18, United States Code Section 3161(h)(8)(A) and (h)(8)(B)(iv).

Nov. 6, 2007

Dated: ~~XXXX~~
October __, 2007

/s/ Ronald M. Whyte

RONALD M. WHYTE
United States District Judge